

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Case No. 09-11189 (ALG)
: :
MORNING STAR RESTAURANT GROUP, : (Chapter 11)
LLC, :
Debtor. :
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**ORDER DIRECTING THE UNITED STATES TRUSTEE
TO APPOINT A CHAPTER 11 TRUSTEE**

Upon the motion (the “Motion”) of Tracy Hope Davis, the United States Trustee for Region 2 (the “United States Trustee”), by and through her counsel, for the entry of an Order pursuant to Section 1112(b) of title 11, United States Code (the “Bankruptcy Code”), dismissing or converting this Chapter 11 case to a case under Chapter 7 of the Bankruptcy Code; and upon the Declaration of Andrea B. Schwartz, dated June 25, 2010, filed in support of the Motion; and upon the Memorandum of Law; and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding is proper pursuant to 28 U.S.C. § 1408; and notice of the Motion appearing adequate and appropriate under the circumstances; and the Court having found that no other or further notice need be provided; and the Court having reviewed the Motion and having heard statements in support of and against the Motion at hearings held by the Court on August 3, 2010, March 24, 2011, April 4, 2011, and April 27, 2011 (collectively, the “Hearings”); and the Court having determined that there is cause under Section 1112(b) of the Bankruptcy Code to grant the relief requested by the Motion; and the Court having determined that there also are grounds for the appointment of a trustee (“Chapter 11 Trustee”) pursuant to Section 1104 of the Bankruptcy Code; and the Debtor having consented

to the appointment of a Chapter 11 Trustee; and after due deliberation and sufficient cause appearing therefore, it is hereby:

ORDERED that, the United States Trustee immediately shall appoint a Chapter 11 Trustee with all of the powers authorized by Section 1104 of the Bankruptcy Code; and it is further

ORDERED that, the Chapter 11 Trustee may retain attorneys and/or other professionals that the Chapter 11 Trustee deems necessary to discharge his duties, all of which retentions shall be subject to Court approval under Section 327 of the Bankruptcy Code; and it is further.

ORDERED that, the Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: New York, New York
April 28, 2011

/s/ Allan L. Gropper

Honorable Allan L. Gropper
United States Bankruptcy Judge